UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,892	08/27/2002	Thomas M. Breuel	111744	3616

27074   7590   12/05/2006

OLIFF & BERRIDGE, PLC.
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER
PAULA, CESAR B

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/064,892	BREUEL ET AL.
	Examiner	Art Unit	
	CESAR B. PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-16 and 18-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-16, and 18-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the RCE amendment, and 37 CFR 1.131 declaration filed on

9/11/2006.

This action is made Non-Final.

2.   In the amendment, claims 1, 3-16, and 18-28 are pending in the case. Claims 1, 14, and

16 are independent claims.

Priority

3.   Acknowledgment is made of applicant's claim for domestic priority under 35

U.S.C. 119(e), and based on U.S provisional application # 60/360,171 filed on **3/1/2002**, which

papers have been placed of record in the file.

Drawings

4.   The drawings filed on 8/27/2002 have been approved by the Examiner.

Response To Declaration under 37 CFR § 1.131

6.   The Affidavit filed on 9/11/2006 under 37 CFR 1.131 has been considered but is

ineffective to overcome the effective filing date of the Formanek (USPub.# 2003/0014445,

1/16/2003, filed 7/13/01, as disclosed in IDS filed on 9/24/03) reference.

The evidence submitted is insufficient to establish the reduction-to-practice date of the

invention in this country or a NAFTA or WTO member country. <u>The declaration does not contain all the signatures from the inventors listed therein, assuming that independent claim 1 was created by more than one of the inventors.</u>

Moreover, each exhibit relied upon should be specifically referred to in the declaration in terms of what it is relied upon to show. The declaration must clearly explain which <u>facts or data</u> applicant is relying on to show that the invention was completed prior to a certain date. There is no explanation as to how "Exhibit A" relates to the claimed invention. <u>The declaration does not show which claims are supported by Exhibits A, and B, and which limitations are supported by a certain portion of the Exhibit.</u>

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country both prior to, and after the effective date of the Formanek reference.

In view of the examples of support as explained above, it is the examiner's opinion that the presented combination of evidence within Exhibits A, and B is a bonafide attempt to swear behind Formanek. However, it is insufficient proof that Applicant's invention was reduced to practice before the publication date of the Formanek reference. Accordingly, said affidavit is ineffective to overcome the effective filing date of the Formanek reference at the present time (see MPEP, section 715.04, 07).

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 3-16, and 18-28 remain rejected under 35 U.S.C. 102(e) as being anticipated by

Formanek et al, hereinafter Formanek (USPub.# 2003/0014445, 1/16/2003, filed 7/13/01, as

disclosed in IDS filed on 9/24/03), in view of Microsoft Paint XP, 2001, "Save As"

screendumps, Microsoft Windows XP Professional.

Regarding independent claim 1, Formanek discloses decomposing, and processing a

document image, in a *sequence* of steps, in a bitmap format—*deconstructing a document in a*

page image format -- (0029, 0032).

Moreover, Formanek discloses that as a result of the decomposition, and processing of

the document, an intermediate document, comprising of an image divided into image and text

blocks, is put together—*synthesizing the deconstructed document into an intermediate data*

structure -- (0032, fig. 3b). The image and text blocks can be converted to a commercially

available format, such as pdf, ASCII, etc. (0025, 0028) (as also was well known in the art, and

exemplified by the "Save As" feature of Microsoft Paint XP, which converts BMP formatted

documents into a number of formats including TIFF).

Furthermore, Formanek discloses the reflowing of the decomposed document to fit into

the size, such as width, of a target device's display. The target device adapts the document, when

it receives it, so that it does not exceed the display width of the device's screen—*distilling the intermediate data structure for redisplay by converting the intermediate data structure into a format usable for an arbitrarily sized display structure, wherein the intermediate data structure is automatically adaptable at the time of display to constraints of any display device or circumstance of viewing* (0012,0024,0030, 0034, fig. 4).

Regarding claim 3, which depends on claim 2, Formanek discloses that as a result of the decomposition the document image is divided into image and text blocks—*physical segmentation of data* -- (0032, fig. 3b).

Regarding claim 4, which depends on claim 1, Formanek discloses that as a result of the decomposition the document image is divided into image and text blocks (0032, fig. 3b).

Regarding claim 5, which depends on claim 1, Formanek discloses that as a result of the decomposition the document image turns into a document divided with image blocks based upon the image location, width and height— *converting non-text image areas, Layout properties and segmented image areas into the intermediate data structure*-- (0032-0033, fig. 3b).

Regarding claim 6, which depends on claim 1, Formanek discloses the reflowing of the decomposed document to fit into the size, such as width, of a target device's display—*intelligible display layout* -- (0030, 0034, fig. 4).

Regarding claim 7, which depends on claim 6, Formanek discloses that as a result of the decomposition the document image is divided into image and text blocks. The text blocks show segmented word images in a reading order (0032-0033, fig. 3c).

Regarding claim 8, which depends on claim 1, Formanek discloses the storage of the bitmap image blocks in a processing device (0030).

Regarding claim 9, which depends on claim 1, Formanek discloses the reflowing of the decomposed document to fit into the size, such as width, of a target device's display. The reflowed document is displayed in a readable manner, such as a single format (0030, 0034, fig. 4).

Regarding claim 10, which depends on claim 1, Formanek discloses the reflowing of the decomposed document to fit into the size, such as width, of a target device's display. The document is retrieved over the Internet, reformatted, and displayed—*Internet browsable format -- * (0027, 0034, fig. 4).

Regarding claim 11, which depends on claim 1, Formanek discloses the reflowing of the decomposed document to fit into the size, such as width, of a target device's display—*device specific display format* -- (0027, 0034, fig. 4).

Regarding claim 12, which depends on claim 1, Formanek discloses the *reflowing* of the

decomposed document to fit into the size, such as width—*screen size* --, of a target device's

display (0027, 0034, fig. 4).

Regarding claim 13, which depends on claim 1, Formanek discloses the reflowing of the

decomposed text in the document to fit into the size, such as width, of a target device's display

(0027, 0034, fig. 4).

Regarding independent claim 14, Formanek discloses identifying block positions of

various text, and image regions, and decomposing a document image in a format, such as a pdf

format,—*analyzing page layout, converting a sequence of page images into a sequence of*

document elements images captured in a tagged format -- (0029, 0032, fig. 3b).

Furthermore, Formanek discloses the reflowing of the decomposed document to fit into

the size, such as width, of a target device's display—*re-converting the tagged format*. The

document is retrieved over the Internet, reformatted, and displayed—*Internet browsable format -*

- (0027, 0034, fig. 4).

Regarding claim 15, which depends on claim 14, Formanek discloses that as a result of

the decomposition the document image is divided into image and text blocks. The text blocks

show segmented word images in a reading order (top to bottom text organization) similar to that

of the original document (0032-0033, fig. 3c).

Regarding claim 16, limitations *an input/output device ... ... a distilling circuit ...* are directed towards a computer system for implementing the steps found in claims 1, and therefore are similarly rejected.

Moreover, Formanek discloses the document image is divided into image blocks, by placing a bounding block around each word by identifying the location of the word, and graphics—*deconstruct the document into image areas, and segmented image elements*. A software identifies the locations, height and width—*layout properties*-- of text and graphic blocks (0032-0033, fig. 3b).

Moreover, Formanek discloses that as a result of the decomposition the document image turns into a document divided with image blocks—*synthesizes the non-text image areas, the layout properties, and the set of segmented image elements into an intermediate data structure* -- (0032-0033, fig. 3b).

Furthermore, Formanek discloses the reflowing of the decomposed document to fit into the size, such as width, of a target device's display—*distilling the intermediate data structure for redisplay in a format usable for an arbitrarily sized display structure* -- (0030, 0034, fig. 4).

Claims 18-20, and 22-27 are directed towards a computer system for implementing the steps found in claims 3, 6-7, and 10-15 respectively, and therefore are similarly rejected.

Regarding claim 21, which depends on claim 16, Formanek discloses the storage of the bitmap image blocks—*deconstructed document*-- in a processing device (0030).

Regarding claim 28, which depends on claim 26, Formanek discloses that as a result of the decomposition the document image is divided into image and text blocks—*segmentation algorithm* --. A software identifies the locations of text and graphic blocks—*structure analyzer*- (0032, fig. 3b).

Response to Arguments

7.   Applicant's arguments filed on 9/11/2006 have been fully considered but they are not persuasive. The Applicants submit that Formanek does not qualify as a prior art reference in view of the 37 CFR 1.131 declaration filed herewith (page 7). As indicated above, the declaration does not establish the reduction to practice of the claimed invention.

Conclusion

I.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained /from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to http://portal.uspto.gov/external/portal/pair. Should you have any questions about

access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866

217-9197 (toll-free).
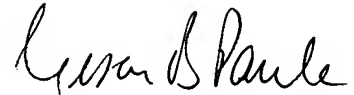
Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Or faxed to:

- **(571)-273-8300 (for all** Formal communications intended for entry)

CESAR PAULA
PRIMARY EXAMINER
11/24/06